

## REMARKS

Examiner Su Kim is thanked for the thorough examination and search of the subject Patent Application. Claims 16-23 have been canceled, Claims 24 and 37 have been amended, and new Claims 53-59 have been added.

The Examiner is thanked for allowing claims 8-15 and 35-52 and for finding allowable material in claims 17-27. Claim 24 has been amended to include all limitations of canceled base claim 16. Claims 17-23 have been canceled and rewritten as Claims 53-59, dependent on new independent Claim 24. Claim 37 has been amended to include all of the dielectric materials disclosed in the third paragraph of page 6 of the Specification.

All Claims are believed to be in condition for Allowance, and that is so requested.

Reconsideration of the rejection under 35 U.S.C. 102 of Claim 16 as being anticipated by Li is requested in view of amended Claim 24 and in accordance with the following remarks.

Allowable Claim 24 has been amended to claim the limitations of canceled base claim 16. Claim 24 claims that the second metal capping layer (different from the first metal layer), the first metal layer, and the dielectric layer are patterned to form CMOS gate electrodes. It is believed that this claim and all claims dependent on this claim are allowable over Li.

Reconsideration of the rejection under 35 U.S.C. 102 of Claim 16 as being anticipated by Li is requested in view of amended Claim 24 and in accordance with the remarks above.

Allowance of all Claims is requested.

It is requested that should Examiner Kim not find that the Claims are now Allowable that the Examiner call the undersigned at 765-453-0866 to overcome any problems preventing allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'SBA', with a long horizontal flourish extending to the right.

Stephen B. Ackerman, Reg. 37,761